

**TESTIMONY OF
ST. VINCENT'S HEALTH SERVICES SUBMITTED TO THE
JUDICIARY COMMITTEE
Friday, March 4, 2011
HB 6487, An Act Concerning Certificates Of Merit**

St. Vincent's Health Services appreciates the opportunity to submit testimony concerning **HB 6487, An Act Concerning Certificates Of Merit**. St. Vincent's opposes this bill, as an adequate fair process is already in place under current Connecticut law.

St. Vincent's invites patients and families to submit any concern of care for internal review, and strives to resolve such matters to their satisfaction. If a party chooses to file suit against a health care provider, including a hospital, the party or his or her lawyer is required under Connecticut law to conduct a pre-suit investigation, and certify that the claim is filed in good faith. This certification includes attaching a detailed expert opinion signed by a health care provider from the same medical specialty, as recently confirmed by the Connecticut Supreme Court in Bennett v. New Milford Hospital. The Court noted that the requirement of a detailed letter by the same type medical specialist was put into place to ensure a reasonable basis for filing a medical malpractice case, and to reduce problems with misunderstanding of the medical opinion obtained by a party pre-suit. As it stands now, the party's failure to file the certificate and detailed expert letter with the suit could result in timely dismissal of the suit, and eliminate meritless claims against a health care provider, which are costly to defend.

This new proposed bill seeks to expand the types of professionals permitted to give the pre-suit expert opinion-to include any person who might be deemed an expert at the time of trial, who may not have the same specialty or training as the health care provider who is the subject of the suit. At the time of suit, the health care provider will no longer receive a detailed opinion letter from a same specialty expert advising of a medical basis for the claims, and will be unable to seek timely dismissal of a meritless case. The current fair and balanced system enacted by the Connecticut assembly in 2005 would be upset, with a loss of due process to the health care providers that serve our communities.

We urge you to oppose HB 6487.

Thank you for your consideration of our position.